

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

OHIO CASUALTY)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION NO. 3:06CV977-MEF
)	
MANIFOLD CONSTRUCTION,)	
LLC, et al.,)	
)	
Defendants.)	

**MOTION FOR EXTENSION OF TIME
TO FILE DISCOVERY RESPONSES**

Comes now the Plaintiff and moves the Court to grant it thirty additional days in which to respond to the request for production of documents served by the Whittelsey Defendants, and as grounds therefore the Plaintiff states as follows:

1. Said Defendants have propounded the attached request (Exhibit A) which is not only overbroad, and burdensome, but includes matter clearly protected by the work product doctrine and the attorney-client privilege.
2. Although the Plaintiff is serving a preliminary response to the request in order to preserve its objections, in order to prepare a more detailed response and privilege log, the items must be gathered primarily from outside the State of Alabama, and then shipped to the undersigned for manual review.

3. This time consuming process is not yet complete, but hopefully will be within the next thirty days.
4. This extension will not prejudice any party hereto.

/s/ Christopher Lyle McIlwain, Sr.

Christopher Lyle McIlwain, Sr.

Attorney Code: MCILC 3043

State Code: MCI-002

Attorney for Plaintiff

Ohio Casualty Insurance Company

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties, and I hereby certify that, to the best of my knowledge and belief, there are no non-CM/ECF participants to whom the foregoing is due to be mailed by way of the United States Postal Service.

s/ Christopher Lyle McIlwain, Sr.

Of Counsel

EXHIBIT “A”

(Request for Production of Documents by
Defendant Whittelsey)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

OHIO CASUALTY INSURANCE COMPANY,)

Plaintiff,)

v.)

MANIFOLD CONSTRUCTION, LLC, et al.,)

Defendants.)

Civil Action No. 3:06-cv-977-MEF

REQUEST FOR PRODUCTION OF DOCUMENTS

Comes now the Defendants, Whittelsey Properties, Inc. and C.S. Whittelsey, IV (collectively referred to herein sometimes as "Whittelsey"), by and through their undersigned attorneys of record, and request the Plaintiff to produce the following documents, items and/or things to the law offices of Whittelsey, Whittelsey & Poole P.C., 600 Avenue A, Opelika, Alabama 36801, within the time permitted by law.

1. **Your entire claims file, adjuster's file, coverage file and/or underwriting file, including, but not limited to a copy of the policy and/or policies of insurance at issue in your complaint,** application(s) for the policy and/or policies of insurance, underwriting, issuance and/or renewal of that policy and/or policies of insurance involved in the above described cause of action, payment records, billing records, correspondences, fax transmittals, declaration sheets, policies, cancellation notices, notices of intent to cancel and/or any and all other documents which in any manner whatsoever concern, relate, and/or refer to the application for, underwriting of and/or issuance of said policies and/or renewals thereof together with any and all billing records, payment records and/or correspondences concerning the issuance, renewal, and/or billing or payments for said policy and/or policies.

2. **Your entire claims file, adjuster's file, coverage file and/or underwriting file,**

which in any manner whatsoever concerns, relates to or references the adjusting and/or investigation of the claim submitted by Manifold to the Plaintiff as a result of the lawsuit filed in the Circuit Court of Lee County, Alabama, in Case No. CV-05-137. The production of said documents, items and/or things are to include but not limited to, any and all appraisals, estimates, photographs, video tapes, statements, tape recordings, correspondences, e-mails, reports, memorandums, letters, bills, computer printouts, time-lines and/or written instrumentalities concerning, in any manner whatsoever, the adjusting and/or investigation of the claim submitted by Manifold to Plaintiff as a result of the lawsuit filed in the Circuit Court of Lee County, Alabama, in Case No. CV-05-137 which claim is involved in this cause of action.

3. True and correct copies of Plaintiff's adjusting guidelines, manual(s), pamphlets, brochures and/or documents which govern, relate to, provide guidelines and/or procedures for adjusting and/or investigating legal claims filed against insureds pursuant to insurance policies issued by Plaintiff or otherwise.

4. True and correct copies of Plaintiff's adjusting guidelines, manual(s), pamphlets, brochures and/or documents which govern, relate to, provide guidelines and/or procedures for adjusting and/or investigating the type of lawsuits, such as the underlying lawsuit filed in the Circuit Court of Lee County, Alabama, in Case No. CV-05-137 involved in this cause of action.

5. **Your entire claims file, adjuster's file, coverage file and/or underwriting file,**

which in any manner whatsoever concerns, relates to or references any claims and/or the payment or refusal to pay any claims submitted by the Manifold, **or any other persons**, to Plaintiff as a result of the underlying lawsuit filed in the Circuit Court of Lee County, Alabama, in Case No. CV-05-137 involved in this cause of action, including but not limited to all claim

forms, check stubs, payment records, correspondences, e-mails, reports, canceled checks and/or any other written instrumentalities of any sort whatsoever.

6. All documents, computer printouts, bills, invoices, records, etc. reflecting Manifold's payment history for the purchase and payment of the insurance policy involved in this cause of action together with the respective dates of the purchase of said policies.

7. **Your entire claims file, adjuster's file, coverage file and/or underwriting file,** and all documents contained therein, concerning the claim and/or claims involved in the underlying lawsuit filed in the Circuit Court of Lee County, Alabama, in Case No. CV-05-137 involved in this cause of action, including, but not limited to, the adjustment of said claim, the investigation of said claim and any payments made pursuant to said claim.

8. Any and all documents, computer printouts, bills, invoices, records, etc. evidencing Plaintiff's investigation of the claims involved in the underlying lawsuit filed in the Circuit Court of Lee County, Alabama, in Case No. CV-05-137.

9. Any and all documents, computer printouts, bills, invoices, records, etc. evidencing Plaintiff's retention of competent defense counsel for Manifold in defense of the claims involved in the underlying lawsuit filed in the Circuit Court of Lee County, Alabama, in Case No. CV-05-137.

10. Any and all documents, computer printouts, bills, invoices, records, etc. evidencing Plaintiff's correspondence whether written or oral with Manifold regarding the claims involved in the underlying lawsuit filed in the Circuit Court of Lee County, Alabama, in Case No. CV-05-137.

11. Any and all documents, computer printouts, bills, invoices, records, etc. evidencing Plaintiff's correspondence (electronic or otherwise) with defense counsel it retained

for Manifold in defense of the claims involved in the underlying lawsuit filed in the Circuit Court of Lee County, Alabama, in Case No. CV-05-137.

Respectfully submitted this the 25th day of July 2007.

WHITTELSEY, WHITTELSEY & POOLE, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document on the parties listed below electronically or by placing a copy of the same in the United States mail, postage prepaid, to their correct address on this the 25th day of July, 2007.

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/s/ Davis B. Whittelsey
DAVIS B. WHITTELSEY